

CVS-MDL-04954

Case: 2:21-cv-00092-WOB-CJS Doc #: 14 Filed: 08/11/21 Page: 1 of 3 - Page ID#: 95

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION

CIVIL ACTION NO. 2:21CV92 (WOB-CJS)

M.D. KENDALL E. HANSEN, ET AL

PLAINTIFFS

VS.

TEMPORARY RESTRAINING ORDER

CVS PHARMACY, INC.

DEFENDANT

The Court has reviewed the record herein, including the evidence submitted by plaintiffs in support of their Verified Complaint (Doc. 1), motion for temporary restraining order (Doc. 6), and supplemental brief in support of the motion for a temporary restraining order (Doc. 12). The Court also held a preliminary conference in which all parties were represented by counsel and during which the parties stated their positions on the claims asserted in this matter.

Having done so, the Court makes the following findings pursuant to Fed. R. Civ. P. 65(b):

(1) By virtue of the actions taken by defendant against plaintiffs, as set forth in the record, plaintiffs face immediate and irreparable harm to their business, patient relationships, and reputation unless a temporary restraining order issues to enjoin

CVS-MDLT3-000185057

CVS-MDL-04954.00001

defendant's actions and preserve the status quo until the Court holds a hearing on the merits;

(2) Plaintiffs are likely to succeed on the merits of their claims that defendant has interfered with plaintiffs' relationships with their patients by refusing to fill prescriptions written by plaintiffs, and defendant has done so without evidence that plaintiffs have violated any law or professional protocol related to such prescriptions;

(3) Plaintiffs lack an adequate remedy at law to redress the harm caused by defendant's actions;

(4) The balance of the hardships between the parties weighs in favor of issuing a temporary restraining order inasmuch as defendant's actions pose a threat to plaintiffs' professional reputation and livelihood; and

(5) Because plaintiffs' patients' medical care is implicated by defendant's actions, the public interest weighs in favor of issuance of the temporary restraining order.

Therefore, the Court being advised,

IT IS ORDERED that:

(1) Defendant CVS Pharmacy, Inc., its officers, agents, servants, employees, attorneys, or other persons who are in active concert or participation with it, be, and are hereby, **ENJOINED**

CVS-MDLT3-000185058

CVS-MDL-04954.00002

from refusing to fill prescriptions written by Kendall E. Hansen,
M.D. for any pharmaceutical product; and

(2) Plaintiffs shall post a security bond in the amount of
\$10,000.

This 11th day of August, 2021 at 10:05 a.m./p.m.



Signed By:
William O. Bertelsman *WOB*
United States District Judge

CVS-MDLT3-000185059

CVS-MDL-04954.00003